

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

OCT 27 1992

ORIGINAL  
FILE

George L. Lyon, Jr.  
Marjorie K. Conner  
Lukas, McGowan, Nace  
& Gutierrez  
1819 H Street, N.W.  
Seventh Floor  
Washington, D.C. 20006

~~16-285~~  
92-184

Dear Mr. Lyon and Ms. Conner:

This will respond to your request for refund of a hearing fee filed on behalf of Valentine Communications, Inc. ("Valentine") in connection with its construction permit application for a new FM station at South Congaree, South Carolina.

You have requested a refund because prior to the Notice of Appearance deadline, Valentine voluntarily dismissed its application, and the single remaining applicant was immediately grantable.

Section 1.1111 (c) (4) of the Commission's rules provides for a refund of a hearing fee whenever an application is withdrawn pursuant to a settlement agreement prior to the Notice of Appearance deadline. Since the settlement agreement was timely filed and the remaining application was granted, refund of the hearing fee is appropriate.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

*Marilyn J. McDermett*

Marilyn J. McDermett  
Associate Managing Director  
for Operations

9112235170323001

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SEP 15 1992

LUKAS, MCGOWAN, NACE & GUTIERREZ

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WASHINGTON, D.C. 20006

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(202) 842-4485

WRITER'S DIRECT DIAL  
(202) 828-9477

September 15, 1992

Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
1919 M Street, N.W.  
Room 852  
Washington, D. C. 20036

Dear Mr. Fishel:

Valentine Communications, Inc. ("Valentine"), applicant for a new FM broadcast station on Channel 237A, at South Congaree, South Carolina, File No. BPH-910228MD, through counsel, requests refund of the \$6,760 hearing fee paid the Commission on December 20, 1991. See Attachment 1. In support of its request, Valentine submits the following.

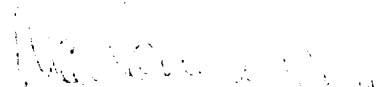
The Mass Media Bureau ("MMB") designated the South Congaree applications for hearing in MM Docket No. 92-184. Since one applicant, William K. Durst and William L. Faircloth d/b/a Lexco Radio had agreed to dismiss its application before designation for hearing, only two applicants remained for designation for hearing. See Hearing Designation Order, ("HDO"), DA 92-1077 (August 19, 1992).

By agreement dated September 5, 1992 and filed with the Commission on September 8, 1992, Valentine agreed to dismiss its application, leaving Alexander Snipe, Jr. d/b/a Glory Communications ("Glory") as the sole surviving applicant. Pursuant to Rule Section 1.1111(c)(2) Valentine's hearing fee, \$6,760, must be refunded.

Mr. Andrew Fishel  
Managing Director  
September 14, 1992  
Page 2

Because the Valentine application, File No. BPH-910228MD, is being voluntarily dismissed pursuant to a settlement agreement, the applicant is entitled to a refund of the hearing fee pursuant to Rule Section 1.1111(c)(2). It is therefore respectfully requested that the \$6,760 hearing fee be refunded to the applicant at the earliest possible time.

Very truly yours,

  
George L. Lyon, Jr.  
Marjorie K. Conner

Attachment

cc: Larry Miller, Esquire  
Stephen Yelverton, Esquire

FEDERAL COMMUNICATIONS COMMISSION  
FEE PROCESSING FORM

FOR  
FCC  
USE  
ONLY

Please read instructions on back of this form before completing it. Section I **MUST** be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

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Valentine Communications, Inc.

Lukas, McGowan, Nace & Gutierrez

SEP 15 1992

1819 H Street, NW - Suite 700

Washington, DC

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

20006

File No. BPH-910228MD

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(C)

FEE MULTIPLE  
(if required)FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(1)

M	W	R
---	---	---

0	0	0	1
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**\$ 6,760.00**

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(B)  
FEE MULTIPLE  
(if required)

(C)  
FEE DUE FOR FEE TYPE  
CODE IN COLUMN (A)

FOR FCC USE ONLY

(2)

(3)

(4)

(5)

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1)  
THROUGH (5), AND ENTER THE TOTAL HERE.  
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED  
REMITTANCE.

TOTAL AMOUNT REMITTED  
WITH THIS APPLICATION  
OR FILING

• 6,760.00

**FOR FCC USE ONLY**

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Date: 12-20-91

## BACKUP FILING

Description of Filing: Application for New FM Station Application ☒  
Channel 237A Report ☐  
South Congaree, SC Other ☐  
File No. BPH-910228MD

F.C.C. Form Number 155

Number of Copies 3

F.C.C. Box Number 358170

Copy for Date Stamp Yes

Facilities Specified \_\_\_\_\_

Name and Address of Filing Agent: LUKAS, McGOWAN, NACE & GUTIERREZ  
1819 H STREET, N.W.  
7TH FLOOR  
WASHINGTON, D.C. 20006

Filers Account Number 1392

Name of Applicant Valentine Communications, Inc.

## **Certification of Pick Up**

I Hereby certify that the F.C.C. Application/Report/Other described above was picked up by me  
on 25 day of Jan 1991.

By: R. E. McGowan Date: 12 20 91 Time: 5:20

## **Certification of Delivery**

I Hereby certify that the F.C.C. Application/Report/Other described above was filed and the accompanying  
fee tendered to the Mellon Bank in Pittsburgh, PA. on \_\_\_\_\_ day of \_\_\_\_\_ 1991.

By: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

LUKAS, MCGOWAN, NACE & GUTIERREZ

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LEROY A. ADAM  
JANIS VICK  
GORDON D. EYRE

TELECOPIER  
(202) 842-4485

December 20, 1991

Federal Communications Commission  
Mass Media Services  
P.O. Box 358170  
Pittsburgh, PA 15251-5170

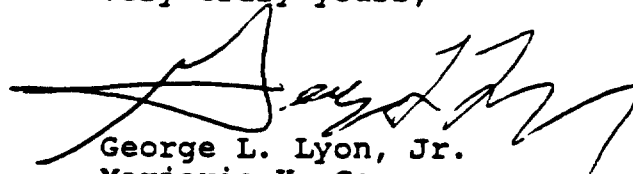
Re: Application of Valentine Communications, Inc.  
For new FM station on Channel 237A at S. Congaree, S.C.  
File No. BPH-910228MD

Dear Sir:

On behalf of Valentine Communications, Inc., applicant for the above referenced facility, there is transmitted herewith in triplicate an FCC Form 155 and the attached check payable to the Commission in the amount of \$6,760 in payment of the prescribed hearing fee.

Should any question arise concerning this correspondence, kindly contact this office.

Very truly yours,



George L. Lyon, Jr.  
Marjorie K. Conner

Attachment (FCC Form 155 and filing fee check)

CERTIFICATE OF SERVICE

I, Lydia H. Redfearn, Secretary in the law firm of Lukas, McGowan, Nace & Gutierrez, Chartered, certify that true copies of the foregoing document were sent this 20th day of December 1991, via first class mail, postage prepaid, to the following:

Stephen T. Yelverton, Esquire  
Maupin, Taylor, Ellis & Adams, P.C.  
1130 Connecticut Avenue, NW, Suite 750  
Washington, DC 20036-3904  
(Counsel for Alexander Snipe, Jr.  
d/b/a Glory Communications)

Roy F. Perkins, Jr., Esquire  
1724 Whitewood Lane  
Herndon, Virginia 22070  
(Counsel for Lexco Radio)

  
Lydia H. Redfearn

\*Hand Delivered

MONEY MARKET ACCOUNT  
DR. ROBERT D. GLENN  
111 PECAN ROAD  
WALTERBORO, SC 29488

0261

87-7204  
2539

12-16-91

Pay to the order of Federal Communication Commission \$6,760.00  
Six thousand seven hundred sixty & 00/100 Dollars  
South Carolina Federal  
SUMMERVILLE, SC 29483

Robert D. Glenn

For

⑆253972040⑆18 07648521⑆

0261

MARKING 119 2